



MINUTES
Regular Meeting
Reno City Council

Wednesday, December 11, 2013 • 12:00 PM

Reno City Council Chamber, One East First Street, Reno, NV 89501

Robert A. Cashell, Sr., Mayor

Council Members:

Ward 1 – Jenny Brekhus

Ward 4 – Dwight Dortch

Ward 2 – Sharon Zadra

Ward 5 – Neoma Jardon

Ward 3 – Oscar Delgado

At-Large – Hillary Schieve

A Introductory Items

A.1 Pledge of Allegiance

A.2 Observance of a Moment of Silence

A.3 Roll Call

Attendee Name	Title	Status	Arrived
Robert Cashell	Mayor	Present	
Jenny Brekhus	Council Member	Present	
Sharon Zadra	Council Member	Present	
Oscar Delgado	Council Member	Present	
Dwight Dortch	Council Member	Present	
Neoma Jardon	Council Member	Present	
Hillary Schieve	Council Member	Present	
Andrew Clinger	City Manager	Present	

The meeting was called to order at 12:06 PM.

A.4 Public Comment

Donald Kitts, 300 Kitts Way, discussed his opposition to City of Reno sewer fee increases and policies.

Wayne Wright, 230 Richard Way, Sparks, discussed his opposition to taxicab licensing.

James Kozera, 1244 Carville Drive #47, discussed his objections to the proposed new downtown newspaper rack regulations.

Ronald E. Magee, 555 North McCarren Boulevard, discussed several subjects.

Ernest Aldridge, 315 Vine Street #1, Fernley, requested a copy of the City of Reno's Charter.

Stuart Mackie, 475 Compton Street, requested an agenda item on water issues.

Connie McMullen, 2212 Lindley Way, representing Senior Spectrum, discussed her opposition to the proposed new newspaper rack ordinance.

Chris McMullen, 2212 Lindley Way, publisher of Senior Spectrum, discussed his opposition to the proposed new newspaper rack ordinance.

Donna Clontz, 1940 Daylin, discussed the upcoming Senior Winter Games, and her opposition to the proposed new newspaper rack regulations.

Sam Dehne, Reno resident, discussed several subjects.

Mark Markel, 48 Park Street, discussed the dangers of drinking and driving.

A.5 City Manager Announcements (Item for general announcements and informational items only. No deliberation or action will be taken on this item.)

City Manager Clinger made several announcements.

A.6 Approval of the Agenda (For Possible Action) - December 11, 2013.

The agenda was approved with Item J.1 withdrawn.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sharon Zadra, Council Member
SECONDER:	Hillary Schieve, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

B Cash Disbursements

B.1 Staff Report (For Possible Action): Acceptance of Cash Disbursements Reports for November 10, 2013 through November 16, 2013. 12:38 PM

Recommendation: Staff recommends accept the attached Cash Disbursements reports.

Proposed Motion: I move to approve staff recommendation.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Neoma Jardon, Council Member
SECONDER:	Hillary Schieve, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

C Proclamations - None.

D Presentations

D.1 Making the Grade, Scholastic and Amateur Skate Contest: Thank you to Mayor and Council for in-kind donation to use Rattlesnake Skate Park at Mira Loma - David White and Cambria Breithaupt. 12:39 PM

Dr. David White and Cambria Breithaupt thanked the Council for their in-kind donation to the Scholastic and Amateur Skate Contest.

D.2 Economic Development Update - IBM Smarter Cities Program - Bill Thomas, Assistant City Manager. 12:41 PM

Assistant City Manager Bill Thomas presented the update.

D.3 City of Reno Employee Retirement Recognitions - Andrew Clinger, City Manager. 12:49 PM

City Manager Clinger recognized the retirees.

E Consent Agenda

Items E.1 through E.10 were approved with Item E.7 pulled for discussion.

E.1 Approval of Privileged Business Licenses

E.1.a New - Alcohol

1. Mixers, Daniel Stuart Jones, 2900 Clear Acre Lane, Suite J - Bar (For Possible Action) [**Ward 4**]

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sharon Zadra, Council Member
SECONDER:	Neoma Jardon, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

2. Crawfish Asian Bistro, LLC, Cuong S. Vong, 1296 East Plumb Lane, Suite H - Dining Room Alcohol (For Possible Action) [**Ward 3**]

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sharon Zadra, Council Member
SECONDER:	Neoma Jardon, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

E.1.b New - Gaming

1. Dynasty Games dba Big Horn Bar & Grill, Roger L. Fuller, 1325 West Seventh Street, Suite G - Slots (For Possible Action) [**Ward 5**]

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sharon Zadra, Council Member
SECONDER:	Neoma Jardon, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

E.1.c New - Privileged

1. Goodwill Industries of Sacramento Valley & Northern Nevada, Inc., Lawrence Peterson, 18180 Wedge Parkway, Suite 2 - Secondhand Merchandise Sales (For Possible Action) [**Ward 2**]

RESULT: APPROVED [UNANIMOUS]
MOVER: Sharon Zadra, Council Member
SECONDER: Neoma Jardon, Council Member
AYES: Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

2. Goodwill Industries of Sacramento Valley & Northern Nevada, Inc.,
Lawrence Peterson, 3312 South McCarran Boulevard - Secondhand
Merchandise Sales (For Possible Action) [**Ward 3**]

RESULT: APPROVED [UNANIMOUS]
MOVER: Sharon Zadra, Council Member
SECONDER: Neoma Jardon, Council Member
AYES: Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

E.1.d Change of Ownership - Privileged

1. Goodwill Industries of Sacramento Valley & Northern Nevada, Inc.,
Lawrence Peterson, 6407 South Virginia Street - Secondhand Merchandise
Sales (For Possible Action) [**Ward 2**]

RESULT: APPROVED [UNANIMOUS]
MOVER: Sharon Zadra, Council Member
SECONDER: Neoma Jardon, Council Member
AYES: Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

2. Goodwill Industries of Sacramento Valley & Northern Nevada, Inc.,
Lawrence Peterson, 940 West Moana Lane Suite 101 - Secondhand
Merchandise Sales (For Possible Action) [**Ward 2**]

RESULT: APPROVED [UNANIMOUS]
MOVER: Sharon Zadra, Council Member
SECONDER: Neoma Jardon, Council Member
AYES: Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

3. Goodwill Industries of Sacramento Valley & Northern Nevada, Inc.,
Lawrence Peterson, 10855 Double R Boulevard - Secondhand Merchandise
Sales (For Possible Action) [**Ward 2**]

RESULT: APPROVED [UNANIMOUS]
MOVER: Sharon Zadra, Council Member
SECONDER: Neoma Jardon, Council Member
AYES: Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

4. Goodwill Industries of Sacramento Valley & Northern Nevada, Inc.,
Lawrence Peterson, 1145 California Avenue, Suite A - Secondhand
Merchandise Sales (For Possible Action) [**Ward 1**]

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sharon Zadra, Council Member
SECONDER:	Neoma Jardon, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

- E.2 Staff Report (For Possible Action): Acceptance of Emergency Food and Shelter Program Grant for the Community Assistance Center (CAC) Shelter Operations from the Federal Emergency Management Agency, which is locally administered through the United Way, and ratification of the City Manager's acceptance on behalf of the City of Reno in the amount of \$52,360. 12:54 PM

Recommendation: Staff recommends Council accept the \$52,360 Emergency Food and Shelter Program grant and ratify the City Manager's acceptance on behalf of the City.

Proposed Motion: I move to approve staff recommendation.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sharon Zadra, Council Member
SECONDER:	Neoma Jardon, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

- E.3 Staff Report (For Possible Action): Acceptance of Grant Award from the Truckee River Fund, administered through the Community Foundation of Western Nevada, to construct storm water conveyance across the Highland Canal in the amount of \$400,000. 12:54 PM

Recommendation: Staff recommends Council acceptance of the \$400,000 grant from the Truckee River Fund administered through the Community Foundation of Western Nevada, and authorization for the Mayor to sign the attached letter from the Community Foundation.

Proposed Motion: I move to approve staff recommendation.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sharon Zadra, Council Member
SECONDER:	Neoma Jardon, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

- E.4 Staff Report (For Possible Action): Acceptance of Grant Award, Year 2, from the State of Nevada, Division of Child and Family Services for the State Victim Assistance Academy of Nevada in the amount of \$4,985. 12:54 PM

Recommendation: Staff recommends Council acceptance of Year 2 grant award from the State of Nevada, Division of Child and Family Services for the State Victim Assistance Academy of Nevada in the amount of \$4,985.

Proposed Motion: I move to approve staff recommendation.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sharon Zadra, Council Member
SECONDER:	Neoma Jardon, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

- E.5 Staff Report (For Possible Action): Approval to modify Maintenance Services with Tiburon, Inc., for the Tiburon Public Safety computer software package in an amount not to exceed \$387,462 annually (General Fund). 12:54 PM

Recommendation: Staff recommends Council approve the modification of the maintenance services package on the Tiburon public safety computer software, and authorize payment in an amount not to exceed \$387,462, annually for Fiscal Years 15, 16, 17 and 18.

Proposed Motion: I move to approve staff recommendation.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sharon Zadra, Council Member
SECONDER:	Neoma Jardon, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

- E.6 Staff Report (For Possible Action): Approval of Contract not adapted to award by competitive bidding to Feeney Wireless to purchase Long Term Evolution (LTE) modems for Mobile Computer Terminals (MCT) in police vehicles in the amount of \$102,410 (Federal Forfeiture Funds). 12:54 PM

Recommendation: Staff recommends approval to purchase 110 LTE Modems for MCTs in police vehicles in the amount of \$102,410 using Federal Forfeiture funds and authorization for the police chief to sign the purchase order.

Proposed Motion: I move to approve staff recommendation.

09/25/13 City Council *WITHDRAWN*

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sharon Zadra, Council Member
SECONDER:	Neoma Jardon, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

- E.7 Staff Report (For Possible Action): Approval of Second Modification of Ground Lease Agreement with Quail Robb Drive, LLC for the use of certain premises located at the southwest corner of Robb Drive and Stone Valley Drive, commonly known as a portion of Canyon Creek Park, Assessor Parcel Number (APN) 200-020-08. 12:55 PM

Recommendation: Staff recommends Council approval of the Second Modification of Ground Lease Agreement with Quail Robb Drive, LLC and authorization for the Mayor to sign.

Proposed Motion: I move to approve staff recommendation.

THIS ITEM WAS PULLED FOR DISCUSSION.

Council Member Brekhus and Lori Miles, Public Works Property Program Technician, discussed details of the proposed lease modification agreement.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jenny Brekhus, Council Member
SECONDER:	Sharon Zadra, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

- E.8 Staff Report (For Possible Action): Approval of Amendment to the Interlocal Reimbursement Agreement with the City of Sparks for expenses associated with the rehabilitation of the jointly owned Reno-Sparks Interceptor to be completed under the 2013 Sewer Rehabilitation – Phase II Project in a total amount not to exceed \$546,512 (Sewer Fund). 12:54 PM

Recommendation: Staff recommends Council approval of the interlocal reimbursement agreement in a total amount not to exceed \$546,512 with the City of Sparks for expenses associated with the rehabilitation of the jointly owned Reno-Sparks Interceptor and authorization for the Mayor to sign the amendment.

Proposed Motion: I move to approve the staff recommendation.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sharon Zadra, Council Member
SECONDER:	Neoma Jardon, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

- E.9 Staff Report (For Possible Action): Approval of License Agreement and Agreement for Adjustment of Utilities with Falcon Cable Systems Company II, L.P., locally known as Charter Communications, for the Virginia Street Bridge Project. 12:54 PM

Recommendation: Staff recommends approval of a License Agreement and an Agreement for the Adjustment of Utilities with Falcon Cable Systems Company II, L.P., locally known as Charter Communications, and authorization for the Mayor to sign.

Proposed Motion: I move to approve staff recommendation.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sharon Zadra, Council Member
SECONDER:	Neoma Jardon, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

E.10 Staff Report (For Possible Action): Acceptance of Settlement and Release Agreement for payment from Falcon Cable Systems Company II, L.P., also known as Charter Communications to the City of Reno for Cable Franchise Fee Audit Findings in the amount of \$88,122. 12:54 PM

Recommendation: Staff recommends Council approval of the Settlement and Release Agreement with Charter Communications, for payment of \$88,122 in cable franchise fees due to the City of Reno, and authorization for the Mayor to sign.

Proposed Motion: I move to approve staff recommendation.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sharon Zadra, Council Member
SECONDER:	Neoma Jardon, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

F Public Hearings - 12:15 PM

F.1 **Resolution No. 7924:** Staff Report (For Possible Action): Resolution No. _____ Case No. LDC14-00001 (Master Plan Amendment TOD Boundaries and Secondary Corridors) Request for a Master Plan Amendment to: (A) Amend the boundaries of the existing Transit Oriented Development (TOD) Corridors and the Western Gateway Regional Center by: (1) removing ± 688.4 acres from the North Virginia Street TOD; (2) removing ± 402.4 acres from the West 4th Street TOD; (3) adding ± 64.0 acres to the North Virginia Street TOD; and (4) adding ± 77.6 acres to the Western Gateway Regional Center that are being removed from the West 4th Street TOD; (B) Amend the Master Plan Land Use designation: (1) from Special Planning Area (West 4th Street Transit Corridor) to: (a) Parks/Recreation/Open Space on ± 91.7 acres; (b) Single Family Residential on ± 25.5 acres; and (c) Urban Residential Commercial on ± 53.8 acres on parcels being removed from the West 4th Street TOD; (2) establishing Special Planning Area (Western Gateway Regional Center) on ± 77.6 acres being removed from the West 4th Street TOD; (3) removing City of Reno Land Use designation on ± 153.8 acres which are being removed from the West 4th Street TOD; (4) establishing City of Reno Master Plan Land Use designations that are most closely related to Master Plan Land Use designations that were assigned to parcels being removed from the North Virginia Street TOD prior to the adoption of the TOD boundaries; and (5) establishing Special Planning Area (North Virginia Street Transit Corridor) on the ± 64.0 acres being added to the North Virginia Street TOD; (C) Establish Secondary Corridors on: (a) portions of Mill Street TOD, East 4th Street TOD, South Virginia Street TOD, West 4th Street TOD; and (b) all of North Virginia Street TOD; and (D) Update the policies associated with the TOD Corridor plan to adjust the Floor Area Ratio (FAR) requirements, density requirements, and other policies which guide the establishment of design standards. [All Wards] 1:49 PM

Recommendation: The Planning Commission recommends Council approve the requested Master Plan amendment by resolution.

Proposed Motion: I move to uphold the recommendation of the Planning Commission.

The Mayor asked if proper notice was given.

City Clerk Jones stated that proper notice was given and no correspondence was received.

Mayor Cashell opened the public hearing and asked if anyone wished to speak.

Paula Penrod, 3495 San Juan Drive, discussed her support for a four-way stop light at Washington and Fourth Street.

Ken Krater, 901 Dartmouth Drive, discussed his support for the Master Plan amendment except for the section prohibiting parking in front of buildings within secondary Transit Oriented Development (TOD) Corridors.

Council Member Zadra and Claudia Hanson, Community Development Planning and Engineering Manager, discussed the parking prohibitions referred to by Mr. Krater. Ms. Hanson said that the details of those parking restrictions would be presented during a future stage of the ordinance process.

Discussion ensued regarding the proposed secondary parking prohibitions.

Ms. Hanson outlined the proposed boundary changes.

Council Member Zadra and Ms. Hanson discussed the possibility of extending Plumb Lane to the airport, and Ms. Hanson said that it would require community outreach that was outside of today's purview.

COUNCIL MEMBER BREKHUS ABSENT AT 2:15 P.M.

Resolution No. 7924 was adopted.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dwight Dortch, Council Member
SECONDER:	Sharon Zadra, Council Member
AYES:	Cashell, Zadra, Delgado, Dortch, Jardon, Schieve
ABSENT:	Jenny Brekhus

F.2 Parking Meter Lease Purchase Agreement

F.2.1 Staff Report (For Possible Action): Approval of Agreement with IPS Group, Inc. to purchase parking meter equipment and related services, contingent upon Department of Taxation approval of a Medium-Term Obligation, in an amount not to exceed \$391,650 (General Fund). 3:10 PM

Recommendation: Staff recommends Council approval of the Agreement with IPS Group, Inc. to Purchase Parking Meter Equipment and Related Services contingent upon Department of Taxation approval of a Medium-Term Obligation.

Proposed Motion: I move to approve staff recommendation.

The Mayor asked if proper notice was given.

City Clerk Jones stated that proper notice was given and no correspondence was received.

John Flansberg, Public Works Director, presented an overview of the Staff Report.

MAYOR CASHELL ABSENT AT 3:12 P.M. VICE MAYOR DORTCH PRESIDED IN MAYOR CASHELL'S ABSENCE.

Vice Mayor Dortch opened the public hearing and asked if anyone wished to speak.

Eddie Lorton 100 North Arlington Avenue, discussed performance bond issues.

Vice Mayor Dortch and Mr. Flansberg discussed the purchase agreement and relevant warranty and performance standards.

The Vice Mayor closed the public comment portion of the hearing.

Council Member Jardon and Mr. Flansberg discussed timing issues related to full implementation of the new parking meter system, the ability to purchase additional meters and/or sensors one at a time, staffing issues, current coin collection rates (\$184,000 during the past 4 1/2 months), and the percentage of coin versus debit card purchases in other cities with IPS parking systems (20% versus 40% depending on the fees charged for using credit card purchases).

Mr. Flansberg discussed the outreach being conducted to inform citizens about the new single-space meters.

Council Member Zadra asked if the City would be charging a credit card service fee, and Mr. Flansberg replied that the agreement included two options that could be changed once per year depending on what was more advantageous to the City. He said that one option would be a \$5.75 charge per meter per month that paid for the communication back and forth and the data that was being collected and monitored and a 13-cent per credit card transaction fee; or a second option of an \$8.00 per month per meter charge with a 6-cent per credit card transaction fee.

Council Member Brekhus asked if those terms could be changed over the term of the service agreement, and Mr. Flansberg said that those terms were in the agreement for five years (60 months), so the costs were fixed for that period of time. Council Member Brekhus and Mr. Flansberg then discussed the number of meters that had already been installed, and what areas of Midtown that did not currently have meters would be getting them in the future.

Council Member Brekhus asked if the two new parking meter technicians would be hired from the rehire list, and Mr. Flansberg said that both of the former parking meter technicians retired from service with the City of Reno. Mr. Flansberg said that overall staffing issues would be discussed when he brought back the parking management plan.

Council Member Schieve and Mr. Flansberg discussed the history of the decision to install the CURB Systems parking kiosks (the parking meters had reached the end of their useful life and it was determined that people may not have enough change in their pockets for a rate increase from 75 cents to \$2.00). They also

discussed the prudence of entering into a lease/purchase (installment) agreement, and the convenience of allowing customers to have more than one payment option.

MAYOR CASHELL PRESENT AT 3:22 P.M.

City Manager Clinger clarified that the City would not be charging a credit card convenience fee as part of the program (i.e., the charge would be the same whether coins or a credit card was used), and Mr. Flansberg said that staff would be recommending that the Council consider establishing a minimum time frame for using a credit card because of the up to 22-cent per transaction fee that was charged by the credit card company, merchant bank and gateway.

The Council upheld the staff recommendation and approved the agreement with IPS Group, Inc.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Neoma Jardon, Council Member
SECONDER:	Sharon Zadra, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

F.2.2 Resolution No. 7925: Resolution No. _____ (For Possible Action): Resolution authorizing a Medium-Term Obligation in an amount of up to \$391,650 for the purchase agreement with IPS Group, Inc. with regard to parking meter equipment, for the purpose of financing certain outstanding obligations of the City; directing the officers of the City to forward materials to the Department of Taxation of the State of Nevada; and providing certain details in connection therewith. 3:25 PM

Recommendation: Staff recommends Council adopt Resolution No. _____.

Proposed Motion: I move to adopt Resolution No. _____.

Resolution No. 7925 was adopted.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dwight Dortch, Council Member
SECONDER:	Neoma Jardon, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

G Ordinances, Adoption

H Resolutions

H.1 **Resolution No. 7926:** Staff Report (For Possible Action): Resolution No. _____ Resolution directing the Deputy City Treasurer (Finance Director) to give Notice of the Sale of Properties subject to the Lien of a Delinquent Assessment; ratifying all actions previously taken; and providing other matters properly relating thereto. 3:26 PM

Recommendation: Staff recommends Council adopt Resolution No. _____ directing the Deputy City Treasurer (Finance Director) to send notice of sale to applicable delinquent property owners in the applicable special assessment districts.

Proposed Motion: I move to adopt Resolution No. _____.

COUNCIL MEMBER JARDON ABSENT AT 3:26 P.M.

Resolution No. 7926 was adopted.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dwight Dortch, Council Member
SECONDER:	Hillary Schieve, Council Member
AYES:	Cashell, Brekhuis, Zadra, Delgado, Dortch, Schieve
ABSENT:	Neoma Jardon

H.2 **Resolution No. 7927:** Staff Report (For Possible Action): Resolution No. _____ Resolution authorizing filing of a grant application with the State of Nevada Department of Conservation and Natural Resources for 2013 Federal Land and Water Conservation Funds for Phase I renovations at Sierra Vista Park (formerly Northgate Golf Course) in the amount of \$120,000. 3:26 PM

Recommendation: Staff recommends Council adopt Resolution No. _____.

Proposed Motion: I move to adopt Resolution No. _____.

COUNCIL MEMBER JARDON PRESENT AT 3:27 P.M.

Council Member Dortch asked what staff anticipated to be the cost of phase 1 renovations, and Jeff Mann, Parks Manager, replied that there was not yet a plan in place, and that this would be the first phase of construction following development of a plan on which staff and the National Park Service was currently working. Mr. Mann said that they expected it to primarily be a reconfiguration of the entire trails network, and might include the removal of noxious weeds.

Council Member Dortch asked what type of maintenance the City would be required to perform after the phase 1 renovations were completed, and what staff anticipated that would cost.

Mr. Mann said that if it was primarily just a trails network, the City would only be required to perform maintenance on an as-needed basis.

Council Member Dortch and Mr. Mann discussed the proposed 50/50 cost-matching proposal, and Council Member Dortch asked if staff had identified a source of funds. Mr. Mann replied that staff had identified \$60,000 in the 2012-2013 Capital Improvement Program (CIP) budget that was originally supposed to go towards the planning process. He said that the planning process would now be basically free due to receipt of a Parks Service grant, and those funds plus \$25,000 in Residential Construction Tax (RCT) funds would provide the City's cash match. Mr. Mann also said that the project would cost approximately \$205,000 in actual construction costs, and the other portion of the City's matching funds would include staff and volunteer time spent on creating a plan.

Council Member Dortch asked if staff anticipated that the improvements would require additional maintenance, and Mr. Mann replied that the improvements would require additional maintenance. He said that while he could not estimate the exact amount it would cost, the cost would be minimal compared to the development of a park because the City was only expected to develop natural trails as opposed to asphalt trails.

Council Member Dortch asked what the next steps in the process would be were the Council to adopt the resolution today, and Mr. Mann said that staff would submit the application to the State of Nevada prior to January 10, 2014, probably find out by the end of February 2014 whether the City had been awarded the grant and, in the meantime, proceed with the planning process because a grant for the planning process had already been received. He also said that staff would return to the Council sometime next summer for approval of the actual plan.

Council Member Dortch said that while he was willing to move forward today based on staff's responses to his questions, he was concerned because when the City acquired the park it was with the explicit understanding that it would be at no additional cost to the General Fund. Mr. Dortch stated that the City was unable to maintain the parks they currently owned, and he did not want to create something that would place an additional burden on the General Fund.

Council Member Brekhus and Mr. Mann discussed the overall parks planning process (as discussed in October 2013), and Mr. Mann said that each item discussed at the October 2013 meeting would be brought back to the Council individually. He also said that this was a separate process, and that staff was trying to open up for use by the general public this 200-acre piece of property that had been purchased by the City.

Mayor Cashell and Mr. Mann discussed the current condition of the existing boarded-up building.

Council Member Zadra recalled that between \$5,000 and \$6,000 had already been spent on the facility, which was not to have cost the City any money, and requested that staff e-mail the Council a list of expenses that had been incurred.

Mr. Mann said that hard dollar costs to date had been mainly for the building's security system.

Council Member Brekhus suggested that staff be given Council direction before the planning process began so that they would feel comfortable that what staff brought back would not be of greater intensity than the Council felt they could absorb into the system. She suggested that staff consider a low-maintenance, naturalized and new prototype of the park experience.

Mr. Mann said that 134 of the available 206 acres were deed-restricted as open space, and the only thing the City could put there was a trails network and specific items that would support a trails network (no benches or tables, and only low maintenance items). He also said that 25 acres had been purchased with RCT funding and could be developed with anything applicable to a general neighborhood park, but the City did not anticipate building anything on that parcel in the near future because of the lack of funding for park development and maintenance. The rest of the property, he said, was unrestricted based upon its purchase with General Fund monies, and could be used for any purpose the City desired. The 34 plus acres, he stated, was excluded from the grant application, and would in no way be encumbered by acceptance of this grant.

Resolution No. 7927 was adopted.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dwight Dortch, Council Member
SECONDER:	Jenny Brekhus, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

H.3 **Resolution No. 7928:** Staff Report (For Possible Action): Resolution No. _____ Resolution donating Reno Access Advisory Committee funds to VSA Nevada to provide 20 art classes for adults with developmental disabilities for FY13/14 in the amount of \$1,700 (General Fund). 3:36 PM

Recommendation: Staff recommends Council adopt Resolution No. _____.

Proposed Motion: I move to adopt Resolution No. _____.

Resolution No. 7928 was adopted.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sharon Zadra, Council Member
SECONDER:	Neoma Jardon, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

H.4 **Resolution No. 7929:** Staff Report (For Possible Action): Resolution No. _____ Resolution donating Reno Access Advisory Committee funds to Note-Ables Music Therapy Services (NMTS) to sponsor participant supplies for FY13/14 in the amount of \$1,200 (General Fund). 3:36 PM

Recommendation: Staff recommends Council adopt Resolution No. _____ donating \$1,200 to Note-Ables Music Therapy Services to sponsor participant

supplies for FY13/14.

Proposed Motion: I move to approve the staff recommendation.

Resolution No. 7929 was adopted.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sharon Zadra, Council Member
SECONDER:	Dwight Dortch, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

I Ordinances, Introduction

I.1 Staff Report (For Possible Action): Ordinance Introduction - Bill No. _____ Ordinance amending Reno Municipal Code Title 12, "Public Works and Utilities," by amending Chapter 12.20 "Sidewalk, Curb and Gutter or Trail Reconstruction," to clarify provisions as to timing and notice; together with other matters properly relating thereto. 3:37 PM

Recommendation: Staff recommends Council refer Bill No. _____ to the Committee of the Whole.

Proposed Motion: I move to approve staff recommendation.

Council Member Brekhus and Susan Ball Rothe, Deputy City Attorney, discussed the rationale for amending the ordinance.

Bill No. 6879 was referred to the Committee of the Whole.

RESULT:	FIRST READ [UNANIMOUS]
MOVER:	Hillary Schieve, Council Member
SECONDER:	Sharon Zadra, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

J Standard Department Items

Community Development

J.1 Staff Report (For Possible Action): Update, discussion and potential direction to staff on measuring success of Community Development Block Grants (CDBG) for Economic Development Services. 3:39 PM

Recommendation: Staff recommends Council adopt the proposed measurements to evaluate success under the economic development contracts with Valley Economic Development Center and NLRK, LLC.

Proposed Motion: I move to approve staff recommendation.

11/06/13 City Council *WITHDRAWN*

THIS ITEM WAS WITHDRAWN FROM THE AGENDA.

RESULT:	WITHDRAWN
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J.2 Staff Report (For Possible Action): Update, discussion, and potential direction to staff regarding licensing of taxicab drivers in the City of Reno.
2:16 PM

Recommendation: Staff requests addition direction to: 1) continue the process of licensing taxicab drivers as independent contractors or 2) recommends staff not pursue licensure of the individual taxicab drivers.

Proposed Motion: I move to recommend option 1 or 2.

ITEM J.2 WAS HEARD AFTER ITEM F.1.

COUNCIL MEMBER BREKHUS PRESENT AT 2:16 P.M.

Michael Chaump, Business Relations Program Manager, presented an overview of the Staff Report.

Alex Woodley, Code Enforcement Manager, discussed taxicab (cab) licensing issues.

Mayor Cashell asked about the cost and difficulty of monitoring compliance, and Mr. Woodley replied that, for example, during their recent investigations, Business License compliance officers were able to find \$250,000 in unreported gross receipts. It was, he said, cost effective to continue to pursue those types of businesses and licenses.

Discussion ensued regarding the possibility of asking cab companies to purchase licenses for their independent contractors; the suggestion that staff disregard (not enforce) the regulation currently on the books; the changing nature of the highly independent contractor-based workforce and the prudence of having a policy of keeping a big sector of the workforce unlicensed; licensing issues related to real estate agents and brokers; and the fact that independent cab drivers would get the licenses they were required to get because of insurance and other obligations.

The following three (3) individuals presented Public Comment Forms in opposition to the licensing of cab drivers, but did not wish to speak: 1) Estelle Yvette Pearce, 600 C Street, Sparks; 2) Nikki Ellwood, 210 Moran Street #3; and 3) Pamela Stanislaw, no address provided.

Paul Penrod, 3495 San Juan Drive, discussed her support for licensing independent cab drivers.

Tim Ledesma, 2040 Windsor Way, discussed his concerns about licensing

independent cab drivers because doing so would conflict with current Nevada Transportation Authority (NTA) regulations and laws that do not allow cab drivers to operate as independent contractors.

Robert Carrabis, 475 Gentry Way, representing Reno Sparks Yellow Cab Company, discussed the high cost of cab-driver employment and licensing requirements.

Michelle Bumgarner, 611 Sierra Rose Drive, attorney representing Reno Sparks and Yellow Cab Company, discussed errors in Ms. Penrod's analysis of the history of Chapter 706 of Nevada Revised Statutes (NRS). She said that NRS allows cab companies to have regular employees and independent contractors, and discussed the State Legislature's efforts to ensure that liability insurance remained with the cab company itself, and that cab companies were required to carry liability insurance on their leased drivers. Ms. Bumgarner said that cab companies also carry Workers Compensation insurance for their drivers, and reiterated that the business was highly regulated by the State.

Mayor Cashell stated his belief that the City should not place an additional burden on cab drivers, and requested that cab companies consider implementing a dress (appearance) code for their drivers.

Council Member Brekhus said that she was sympathetic to the drivers because it sounded like they were being squeezed, and she believed that the cab companies themselves were doing quite well. She said that she was not as concerned about the appearance of the drivers as she was about whether they were people who just showed up to work one day with very low barriers to entry and could put the public in harm's way by doing business on city streets. Ms. Brekhus discussed her concerns regarding statements about the transient nature of the job such as 'it is a job to carry someone over', 'it is not a career' and 'one-day leases', and said that it made her wonder about whether her family was at risk by getting into a cab. Council Member Brekhus said that if someone got their license consistent with current regulations, the public would be in a better position of safety, and she hoped the City would continue to treat cab drivers like other independent contractors were treated and require them to be licensed. She stated that the City should not ignore their licensing requirements but, if they did consider doing so, should instead amend the ordinance.

Council Member Dortch said it kept coming up during public testimony that the City's licensing requirement somehow made the public safer, and asked Ms. Penrod to explain that assessment.

Ms. Penrod said that no one in the City, including the police, knew who was operating public conveyance on public streets. She said that the Police and Business Licensing departments had earlier stated the need to license pedicab operators in order to monitor that industry, and pedicab operators were no

different from taxicab drivers when it came to monitoring them and knowing who the drivers were. Ms. Penrod said that NTA public safety requirements that were going into effect in January 2014 did not preclude the fact that the City's ordinance and Nevada state law required independent contractors to obtain a business license, and licensing should be required for all groups of individuals, not just one group of individuals.

Council Member Dortch noted that pedicab drivers were not regulated by anyone other than the City because pedicabs were not motor vehicles, and asked Ms. Penrod to discuss the safety issue.

Ms. Penrod discussed past drug and weapons issues related to cab drivers.

Craig Skau, Deputy City Attorney, said that there were two purposes for licensing: raising revenue and regulation. There is a specific Statute stating that the City has no authority to regulate cab companies, he said, but the City has for some time required that taxicab drivers obtain a work card. Mr. Skau said that Senate Bill (SB) 210 that would be coming into effect January 1, 2014, would do essentially what the City's work card requirement did, which was to require a full State background check. The individual cab people are tied with their vehicle, he said, and the lists of who holds those licenses are available from the State.

Council Member Dortch stated he remained unsure how requiring independent contractors to pay \$60 for a business license would make citizens safer, and suggested it was, much as it was in 1997, a policy issue to be decided by the Council. In 1997, he said, discussion with respect to charging independent contractors a licensing fee or putting the burden on the cab company owners resulted in a decision to place the burden on the cab company owners, and this Council should make a policy decision regarding how they want to move forward.

Council Member Delgado said that he was unsure why cab drivers should be licensed by the City as independent contractors since they were already governed by so many State regulations.

Council Member Zadra said that she was close to believing that the City needed to treat them the same as other independent contractors were treated, but was now struggling with the new information that the State did not give them that opportunity or authorization.

Council Member Schieve said that requiring a business license would not make the citizens any safer; lots of people with licenses committed crimes every day. She stated her concerns about making it more difficult for people to earn a living, and reiterated that the State did not require a license.

Council Member Jardon said that if it came down to a policy question, she was not interested in increasing the City's coffers on the backs of people who were

trying to work.

Mr. Carrabis responded to statements that no one knew who was driving the cabs by saying that cab drivers' licenses were issued by both cities at the work department, where background checks were conducted and the drivers were fingerprinted and the results sent to the Federal Bureau of Investigation (FBI). He said that whenever Reno Police detectives came to them with issues, they pulled the driver(s) immediately, and it was unfair to say that the identity of the drivers was unknown.

Council Member Brekhus and Mr. Chaump discussed details of the current licensing process.

Ms. Penrod said that NRS 76.100 states that a person shall not conduct business in Nevada until that person obtains a State business license issued by the Secretary of State. Independent contractor drivers that work for the cab companies, she said, are paid as independent contractors, not as employees, they are in the business for profit or gain and, as such, are required by the State of Nevada to be licensed as independent contractors.

A lengthy discussion ensued regarding City of Reno, State of Nevada, Washoe County and City of Sparks' licensing requirements, and whether there is any liability in the way the City of Reno's ordinance currently reads.

Council Member Dortch said that he would prefer to honor the 1997 Council decision not to license taxicab drivers and to put instead put the additional cost on the taxicab companies. He said that it would have been preferable had the ordinance been cleaned up at the time (in 1997) so that everyone would know exactly what had happened, but if the Council were to go in the other direction, he queried whether the tax burden should be taken off the taxicab companies and shifted to the independent contractors. Mr. Dortch stated that he could not make any connection between safety and licensing.

It was moved by Council Member Dortch, seconded by Council Member Schieve to direct staff not to pursue the licensing of individual taxicab drivers (option 2) and to clean up the ordinance to reflect the Council's 1997 decision.

Council Member Brekhus discussed her rationale for not supporting the motion, and said that she would expect the ordinance clean-up to include a cost ratio analysis with other businesses such as retailers or beer distributors.

Motion carried with Council Member Brekhus voting nay.

RESULT:	APPROVED [6 TO 1]
MOVER:	Dwight Dortch, Council Member
SECONDER:	Hillary Schieve, Council Member
AYES:	Cashell, Zadra, Delgado, Dortch, Jardon, Schieve
NAYS:	Jenny Brekhus

Finance & Administration

J.3 Staff Report (For Possible Action): Update, discussion and potential direction staff to dissolve the Council-authorized ad-hoc Technology and Innovation Committee created by Council motion on item L.11 at the September 25, 2013 Reno City Council meeting; and request the City Manager to use his authority to establish a Technology and Innovation Committee with a focus on technology and innovation that reports to the City Manager. 3:39 PM

Recommendation: Staff recommends that Council provide direction to the City Manager to re-establish a Technology and Innovation Committee and to have that committee report directly to the City Manager regarding technology partnerships and opportunities to showcase the City of Reno as a technology hub.

Proposed Motion: I move to accept the recommendation.

Robert Chisel, Director of Finance and Administration, presented an overview of the Staff Report.

The Council upheld the staff recommendation.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Neoma Jardon, Council Member
SECONDER:	Hillary Schieve, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

Public Works

J.4 Staff Report (For Possible Action): Update, discussion and potential direction to staff regarding the regulation of newspaper racks in downtown Reno. 12:59 PM

Recommendation: Staff recommends that the Council accept this report.

Proposed Motion: I move to approve staff recommendation.

Steve Hardesty, Public Works Management Analyst, presented a detailed overview of the Staff Report.

Mayor Cashell asked if magazines such as *Senior Spectrum* could lease rack

space, and Mr. Hardesty replied that anyone with a publication would, without restrictions, be allowed to participate in the program.

Council Member Zadra and Mr. Hardesty discussed the meetings held to disseminate information to the public, and the rationale used to determine the locations of racks that would be eliminated.

Council Member Zadra asked whether a publisher who determined that the location of available racks was no longer suitable could instead arrange to have a stand placed on private property, and Mr. Hardesty replied that the ordinance only applied to City sidewalks and not to private property.

Council Member Zadra noted that not considering all of the publishers' needs could result in an increase in the number of publishers who put up their own stands on private property, which could put the City in a worse position than before.

COUNCIL MEMBER DORTCH ABSENT AT 1:16 P.M.

Council Member Zadra and Mr. Hardesty discussed the proposed application process, which would allow staff to assign boxes based on a first-come, first-served basis. Mr. Hardesty implied that the news distribution services currently holding boxes in the downtown area would have to apply but would most likely receive the initial spots, and Ms. Zadra replied that due process would not be well served under that kind of policy.

Council Member Jardon and Mr. Hardesty discussed the lack of maintenance of the newspaper boxes over the past five years, and Ms. Jardon discussed her concerns about having one entity being able to control the content of the boxes on a 'first dibs' basis.

City Manager Clinger stated that staff would increase their level of outreach and devise an application process that was fair to all of the publishers.

Council Member Schieve discussed her concerns about seniors having easy access to *Senior Spectrum*, and that the new ordinance would hinder small businesses. Mr. Hardesty noted that *Senior Spectrum* was currently not available in the downtown core, but would be accessible under the proposed new policy.

Assistant City Manager Bill Thomas said that what staff was looking for from Council and the public today was a sense of what was important to them (i.e., what factors were more aligned with what they were hoping the ordinance would accomplish).

COUNCIL MEMBER DORTCH PRESENT AT 1:22 P.M.

Connie McMullen, 2212 Lindley Way, representing *Senior Spectrum*, said that she and her husband had not been invited to the initial hearings, and discussed her opposition to the proposed ordinance.

Chris McMullen, 2212 Lindley Way, publisher of *Senior Spectrum*, discussed his opposition to the proposed ordinance.

John Murphy, 708 North Center Street, publisher of the *Reno News and Review*, discussed the need for maintenance of the newspaper racks, and his concerns about the proposed ordinance.

Council Member Brekhus said that in addition to not restricting First Amendment rights, the ordinance should not stifle competition in any way. She discussed her views on using some of the old boxes, and allowing the use of more uniquely designed boxes.

Council Member Zadra requested that staff determine how much it would cost the City to purchase and maintain some or all of the downtown newspaper boxes.

Mayor Cashell said that he liked the concept of standardizing the size and color of the boxes.

Council Member Jardon and Mr. Hardesty discussed the process of removing abandoned racks.

Jonathan Shipman, Deputy City Attorney, discussed the process of working through the issues addressed by the ordinance.

Council Member Dortch said that he liked the idea of having standards in the ordinance that allowed the City to fine the owners or remove boxes that were not well maintained.

The Council accepted the report and directed staff to return with an update.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sharon Zadra, Council Member
SECONDER:	Neoma Jardon, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

City Manager's Office

J.5 Staff Report (For Possible Action): Update, discussion and potential direction to staff regarding items for the Charter Committee to consider during its review of the Reno City Charter. 3:41 PM

Recommendation: Staff recommends Council provide direction on items related to the City Charter that Council would like the Charter Committee

to

consider.

Proposed Motion: I move to direct staff to request the Charter Committee to consider the following items related to the City Charter:

_____.

Megan Salcido, Government Affairs Coordinator, presented an overview of the Staff Report.

Council Member Brekhus said that the City had found itself in a Charter crisis with the unusual situation of having three months until filing for the mayoral race and not knowing who was eligible to run because of ambiguity in the Charter. She said that there were probably other ambiguities in the Charter that had not been examined (e.g., mayor versus council role, difference between mayor and chief executive or city manager role, City Attorney and City Clerk roles), and all of the applicable roles should be examined to see how they were, in practice, working or not working. Ms. Brekhus said that previous examinations of the City's Charter seemed to involve only Civil Service appointments and ward voting, and the new Charter Committee should focus on Charter issues that were causing problems.

Council Member Jardon suggested soliciting recommendations from management and department heads.

Eddie Lorton, 100 North Arlington Avenue #16D, questioned the timing of this agenda item, and said that part of it would soon be sorted out.

The Council authorized management to return with direction.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sharon Zadra, Council Member
SECONDER:	Jenny Brekhus, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

J.6 Staff Report (For Possible Action): Discussion, termination of Sponsorship Agreement with Reindeer Charities, and approval of Sponsorship Agreement with the Silver Legacy Resort for in-kind services for the special event, Santas Under the Arch, in an amount not to exceed \$12,000 (General Fund). 3:46 PM

Recommendation: Staff recommends acceptance of termination of Sponsorship Agreement with Reindeer Charities and approval of a Sponsorship Agreement with the Silver Legacy Resort Casino for in-kind services for their special event, Santas Under the Arch, in an amount not to exceed \$12,000 (General Fund) and authorization for the Mayor to sign.

Proposed Motion: I move to approve staff recommendation.

The Council upheld the staff recommendation.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dwight Dortch, Council Member
SECONDER:	Neoma Jardon, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

J.7 Update, presentation and discussion regarding launch of City of Reno Mobile App. 3:47 PM

Deanne Gescheider, Director of Communications and Community Engagement, presented the update.

NO ACTION WAS TAKEN ON THIS ITEM.

J.8 Staff Report (For Possible Action): Update, Discussion and potential direction to staff regarding revisions to the Amended Cooperative Agreement dated August 14, 2012, between Truckee Meadows Fire Protection District, Sierra Fire Protection District and the City of Reno to clarify the provisions within the Agreement relating to Requests for Mutual Aid and other matters properly relating thereto. 3:58 PM

Recommendation: Staff recommends that Council direct staff to work with representatives from the Truckee Meadows Fire Protection District and Sierra Fire Protection District on revisions to the Request for Mutual Aid provision of the Amended Cooperative Agreement and to return to Council for approval of any such necessary revisions.

Proposed Motion: I move to approve staff recommendation.

Cadence Matijevich, Assistant City Manager, provided an overview of the Staff Report.

Council Member Zadra and Ms. Matijevich agreed that there had been different interpretations of the current provisions over the past several months, and it was important for the safety of the citizens that the language be as clear as possible to eliminate any future differences in interpretation.

Council Member Brekhus asked if substantive changes had to be made to the agreement, and Ms. Matijevich responded that no substantive changes were anticipated.

Council Member Schieve asked how soon staff could return with the proposed changes, and Ms. Matijevich replied that staff hoped to return at the second meeting in January 2014 with possible changes.

City Manager Clinger noted that both fire chiefs recently clarified the current interpretation, and this action would memorialize that within the agreement. He

said that both agencies were currently operating under what they both understood the agreement to say.

The Council upheld the staff recommendation.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dwight Dortch, Council Member
SECONDER:	Sharon Zadra, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

K City Clerk

K.1 Boards and Commissions Appointments

- a. Staff Report (For Possible Action): Boards and Commission Appointments to the Downtown Maintenance District Advisory Committee, Downtown Police Special Assessment District Committee, Civil Service Commission, and Youth City Council. (For Possible Action)
- b. Civil Service Commission (For Possible Action)

NO ACTION WAS TAKEN ON THIS ITEM.

RESULT:	CONTINUED [UNANIMOUS]
MOVER:	Dwight Dortch, Council Member
SECONDER:	Neoma Jardon, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

- c. Downtown Maintenance District Advisory Committee (For Possible Action)

Walter Gawronski was appointed to the Downtown Maintenance District Advisory Committee.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jenny Brekhus, Council Member
SECONDER:	Neoma Jardon, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

- d. Downtown Police Special Assessment District Committee (For Possible Action)

Larry Garrison was appointed to the Downtown Police Special Assessment District Committee.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jenny Brekhus, Council Member
SECONDER:	Neoma Jardon, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

- e. Youth City Council (For Possible Action)

NO ACTION WAS TAKEN ON THIS ITEM.

RESULT:	CONTINUED [UNANIMOUS]
MOVER:	Oscar Delgado, Council Member
SECONDER:	Neoma Jardon, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

L Mayor and Council

L.1 Identification of Mayor and Council Items for future agendas of the Reno City Council. 4:04 PM

Council Member Zadra requested a discussion and potential direction to staff regarding the possibility of adding Plumb Lane to the Transit Oriental Development (TOD) Corridor, particularly because the Park Lane property owner intended to self-impose the TOD standards when he developed the property.

Council Member Jardon and Mayor Cashell requested a discussion and potential direction to staff regarding lowering the speed limit and having one lane of traffic near the lavender farm at Mayberry Drive and Highway 40.

L.2 Liaison Reports

NO ACTION WAS TAKEN ON THIS ITEM.

L.3 Reports from any conferences or professional meetings. 4:07 PM

NO ACTION WAS TAKEN ON THIS ITEM.

M Public Hearings - 6:00 PM

M.1 Staff Report (For Possible Action): Case No. LDC14-00010 (Hamdogs Restaurant) Request for a special use permit to allow a restaurant to operate between the hours of 11:00 p.m. and 6:00 a.m. (24 hours). The ±.75 acre site is located along the south side of West Plumb Lane (160 West Plumb Lane) in the MU/SVTC (Mixed Use/South Virginia Transit Corridor) zones. The site has a Master Plan land use designation of Special Planning Area/South Virginia Street Transit Corridor. This project was appealed by the applicant Dustin Mills. **[Ward 1] 6:01 PM**

Recommendation: The Planning Commission recommends Council deny the requested special use permit.

Proposed Motion: I move to uphold the recommendation of the Planning Commission.

A RECESS WAS CALLED AT 4:07 P.M. AND UPON RECONVENING AT 6:01 P.M., ALL WERE PRESENT.

The Mayor asked if proper notice was given.

City Clerk Jones stated that proper notice was given, and two e-mails in favor and one e-mail of concern were received.

Mayor Cashell opened the public hearing.

John Krmpotic, representing the applicant, discussed the rationale for the appeal.

Dustin Mills, owner of Hamdogs Restaurant, discussed safety and other considerations that 24-hour operations would provide in this otherwise dark part of town. He presented financial data from the Gardnerville Hamdogs restaurant, and said that 24-hour operations could be the difference between the success or failure of his business. He also said that the community needed a place where they could eat between the hours of 12:00 midnight and 5:00 a.m.

Stuart Sandidge, 8117 Painted Clay Avenue, Las Vegas, owner of the property on which the Hamdogs restaurant would operate, said that he was currently working with his neighbors to the east and west about closing off access to an alleyway that was causing safety and noise issues, and partially closing a fence adjoining his property with the nearby apartment building (50% of that area would be used only for daytime use and only for overflow parking for banquets, and the other 50% would be closed off at 11:00 p.m.). Mr. Sandidge said that trees would be planted to help seclude the restaurant from the adjoining apartments, and having a high end 24-hour restaurant would help solve the graffiti, vandalism and vagrancy issues that this vacant building had been subjected to over the past 15 months.

The Mayor opened the public comment portion of the hearing and asked if anyone wished to speak.

Wayne Mills, 1326 Sandy Hill Lane, discussed the restaurant's current and proposed operations, including their annual food drive and other charity events.

Mark Chase, 1243 Eddy Street, Gardnerville, discussed the family friendly atmosphere and good food at the Gardnerville Hamdogs, and his support for the new Reno location.

Kathryn Chase, 1243 Eddy Street, Gardnerville, presented a Public Comment Form but did not speak.

Mayor Cashell closed the public comment portion of the hearing.

Council Member Brekhus and Dustin Mills discussed the Gardnerville Hamdogs' 15% discount campaign for patrons that show their concealed weapons permit. Mr. Mills said that the Reno restaurant would probably not employ the same marketing ploys as the Gardnerville restaurant because the discount campaigns were largely held in response to patrons' requests. Ms. Brekhus noted that she would oppose any conditions on a project that characterized how a business should be marketed and operated.

Council Member Brekhus noted the difference between 24-hour establishments that serve alcohol exclusively and those where the kitchen is open, and said that she was not comfortable with prohibiting Hamdogs from having outdoor dining, but would instead be inclined to prohibit outdoor dining after perhaps 9:00 p.m. She said that she would like to see a condition on 24-hour operations stipulating that the menu available between the hours of 9:00 p.m. and 5:00 a.m. be the same as that for 5:00 p.m. or 6:00 p.m., and Mr. Mills replied that there would actually be more menu choices at 11:00 p.m. because breakfast would be back on the menu at that time.

Council Member Brekhus noted that this block is in transition and she would be comfortable with 24-hour operations because of the land use across the street in the shopping center, the major arterial and the 24-hour motel.

Council Member Zadra and Mr. Krmpotic discussed the proposed planting of trees as a barrier between the restaurant and nearby windows, and the need for the trees to be trimmed periodically to prevent them from compromising the overhead electrical wires. Mr. Krmpotic said that the applicant agreed to accept a condition prohibiting outdoor dining because of staff and Planning Commission concerns about the noise outdoor dining might generate.

Council Member Zadra noted that conditions similar to those proposed for this project had been placed on the 1864 Tavern, and asked if the City had received complaints about their operations over the past several months.

Vern Kloos, Community Development Senior Planner, stated that he was not aware of any complaints about the 1864 Tavern's operations.

Council Member Delgado and Mr. Krmpotic discussed what the applicant had proposed to mitigate the neighbors' concerns (parking and additional signage, the installation of bollards and landscape islands, and the agreement to eliminate 31 parking stalls to make it work).

Council Member Schieve discussed her opposition to the proposed condition regarding bollards and chain link, particularly with respect to liability issues related to drivers who accidentally back their cars into the bollards.

Council Member Jardon and Mr. Mills discussed overflow parking issues, and where the applicant would envision having outdoor dining were it to be allowed. Mr. Mills said that outdoor dining was shot down so early in the process that he had not really thought about it.

Council Member Jardon asked if the applicant had conducted a noise study, and Mr. Mills replied that he had. Mr. Mills said that the noise study indicated that noise from the road would be greater than any noise issuing from the parking lot, even at its highest volume of use.

Mayor Cashell discussed the possibility of outdoor dining on the east side of the building and his support for the proposed landscaping. He agreed that there should be no restrictions on the way an applicant marketed and advertised his business.

Council Member Brekhus asked if they were over-parked according to the restaurant standards for this site, and Mr. Krmpotic said that TOD Code did not require any parking.

The Mayor reopened the public comment portion of the hearing to allow an additional speaker to present his views on this issue.

Tony Psarras, 207 Hillcrest Drive #101, real estate broker and owner of the adjacent Hillcrest Apartments, said that the proposed mitigation efforts were inadequate. He questioned what would happen if patrons who were asked to move their vehicles at 11:00 p.m. refused to do so, the prudence of allowing a restaurant that offers 15% discounts to patrons who carry guns and holds special events that attract bikers, and how the sound of a motorcycle rally would affect his tenants.

Council Member Delgado, Mr. Mills and Mr. Kloos discussed outdoor lighting issues. Mr. Kloos said that all parking lots are required to be lighted 24-hours a day, but the level of lighting is reduced during non-business hours.

Council Member Brekhus said that the site did not require parking standards, and suggested that the applicant post the property to the south rear with 'no parking' signs. She noted that it was a condition of the Special Use Permit (SUP) that the property owner enforce parking restrictions, and the SUP could be revoked for noncompliance. Council Member Brekhus discussed the possibility of eliminating the bollards, and Mr. Kloos agreed that if no parking between the hours of 11:00 p.m. and 6:00 a.m. was a condition of approval it would eliminate the bollard system and make it the responsibility of the operator to enforce the restrictions. Ms. Brekhus clarified that she was suggesting that there be no parking at all in certain striped areas, and Ms. Kloos said that people could park there up until 11:00 p.m. now without an SUP.

Council Member Brekhus suggested adding Condition #11 which would eliminate the use of bollards and require the installation of 'no parking' signs and additional parking enforcement language. With respect to Condition #7 prohibiting outdoor dining, she said that the condition should be modified to prohibit outdoor dining between the hours of 9:00 p.m. and 8:00 a.m.

Mayor Cashell requested that the hours prohibiting outdoor dining be 10:00 p.m. or 11:00 p.m. because people tend to eat later during the summer months, and Council Member Brekhus agreed to prohibit outdoor dining between the hours of 10:00 p.m. and 8:00 a.m.

Council Member also suggested adding Condition #12 which would stipulate that the dining menu available between the hours of 9:00 p.m. and 6:00 a.m. include all of the menu items available at 6:00 p.m. to make it clear that this is an eating rather than drinking establishment.

Mayor Cashell said that if parking in back of the establishment was posted and there were still problems, the applicant would probably want to install the bollards anyway.

Council Member Jardon and Mr. Krmpotic discussed parking needs and restrictions, and the proposed use of bollards.

Mayor Cashell agreed with Mr. Psarras that evergreen trees would make a better sound barrier than deciduous trees, and asked the applicant to consider the possibility.

Council Member Brekhus summarized that Condition #7 should be amended to restrict outdoor dining between the hours of 10:00 p.m. and 8:00 a.m., Condition #11 should require that the dining menu available between the hours of 9:00 p.m. and 6:00 a.m. include all of the menu items available at 6:00 p.m., and Condition #12 require that the site plan be revised from what it was at the Planning Commission's second meeting to show that those areas on the south property line show restricted 'no parking allowed between 9:00 p.m. and 7:00 a.m.'

Mayor Cashell requested that the no parking restrictions be between the hours of 10:00 p.m. to 7:00 a.m., and Ms. Brekhus agreed to that change.

Council Member Brekhus started to discuss how finding 'a' could be made, and Jonathan Shipman, Deputy City Attorney, requested that the Council first determine whether the appellant/applicant is aggrieved.

It was moved by Council Member Dortch, seconded by Council Member Schieve to determine that the appellant is aggrieved.

Motion carried.

Council Member Brekhus said that finding 'a' could be made because the business operation is located in a transition block that includes another 24-hour operation (the motel), is across a major arterial from a shopping center that allows 24-hour operations and, therefore, the 24-hour use of this property is compatible with existing, surrounding land uses and development.

Mayor Cashell noted that the nearby gas station also operates on a 24-hour basis.

Mr. Kloos referred to page 2 of his November 7, 2013, memorandum to the Reno City Planning Commission, and noted that Condition #5 addressed parking, and Conditions #11 and #12 already existed. Mr. Kloos suggested that, based on the list included in the memorandum, the Council authorize staff to amend and/or add conditions to reflect what the Council wanted to include.

It was moved by Council Member Brekhus, seconded by Council Member Zadra to overrule the Planning Commission recommendation and approve the Special

Use Permit to allow 24-hour operations of the Hamdogs Restaurant with Condition #5 rewritten to show no parking between the hours of 10:00 p.m. and 6:00 a.m. and eliminate reference to the installation of the bollard and chain, and add Condition #13 requiring that the dining menu available between the hours of 9:00 p.m. and 6:00 a.m. include all of the menu items available at 6:00 p.m.

Motion carried.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jenny Brekhus, Council Member
SECONDER:	Sharon Zadra, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

N Public Comment

NO ACTION WAS TAKEN ON THIS ITEM.

O Adjournment (For Possible Action)

THE MEETING WAS ADJOURNED AT 6:50 P.M.